

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

Ashley Gomez,

Defendant.

Deferred Prosecution Agreement

19 Cr. 880 (RA)

To: Ashley Gomez:

On December 9, 2019 a grand jury sitting in the Southern District of New York returned an indictment, charging you with committing offenses against the United States, to wit, (i) conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349; (ii) wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2; and (iii) aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A and 2. However, after a thorough investigation, and your successful completion of the Young Adult Opportunity Program, it has been determined that the interest of the United States and your own interest will best be served by deferring prosecution in this District. Prosecution will be deferred during the term of your good behavior, satisfactory compliance with the terms of this agreement and satisfaction of the restitution obligations described below, for a period of one year from the signing of this Agreement. The terms and conditions constituting your good behavior and satisfactory compliance are as follows:

- (1) You hereby acknowledge, affirm, and accept as accurate the Statement of Facts, attached hereto as Exhibit A, which is incorporated by reference herein.
- (2) You shall refrain from violation of any law (federal, state, and local). You shall immediately contact your U.S. Pretrial Services Officer if arrested or questioned by a law-enforcement officer.
- (2) You shall associate only with law-abiding persons.
- (3) You shall work regularly at a lawful occupation and/or regularly attend school and support your legal dependents, if any, to the best of your ability. When out of work or not attending school, you shall notify your supervising U.S. Pretrial Services Officer at once. You shall consult him or her prior to job and school changes. If a medical condition renders you unable to work you must notify your Pretrial Services Officer at once.
- (4) You shall not leave the Southern or Eastern Districts of New York without permission of your supervising U.S. Pretrial Services Officer.
- (5) You shall notify your supervising U.S. Pretrial Services Officer immediately of any change in your place of residence.

(6) You shall follow your supervising U.S. Pretrial Services Officer's instructions and advice.

(7) You shall report to your supervising U.S. Pretrial Services Officer as directed.

As a further condition you hereby consent to disclosure, by any federal, state, or local government agency, or by any medical or substance abuse treatment provider, to the U.S. Pretrial Services Officer supervising your case, of such medical and treatment records as may be requested by the Pretrial Services Officer to evaluate deferral of prosecution in this case. You further agree that you will execute any additional consent forms that any such agency or provider may require to release such information.

Special conditions are as follows:

1. You shall pay restitution in the total amount of \$1,000, per month, for a total of twelve months, pursuant to 18 U.S.C. § 3663, to the victims of the offenses charged in the Indictment. Or, if you elect to do so, you may instead make a lump sum payment of \$12,000. Restitution is joint and several with the following defendant: Henry Perez in *United States v. Perez, et al.*, 19 Cr. 880 (RMB). You shall make restitution payments by certified check, bank check, money order, wire transfer, credit card or cash. Checks and money orders shall be made payable to the "SDNY Clerk of the Court" and mailed or hand-delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. You shall write your name and the docket number of this case on each check or money order. Credit card payments must be made in person at the Clerk's Office. Any cash payments shall be hand delivered to the Clerk's Office using exact change, and shall not be mailed. For payments by wire, you shall contact the Clerk's Office for wiring instructions.

2. The United States Attorney may at any time revoke or modify any condition of this provisional release or change the period of such supervision. The United States Attorney may discharge you from supervision at any time. The United States Attorney may at any time proceed with the prosecution for this offense should the United States Attorney, in his or her sole discretion, deem such action advisable.

3. It is understood that this Agreement is a public document and may be provided to any person by this Office and by you.

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If upon completion of your supervision a written report from your supervising U.S. Pretrial Services Officer is received to the effect that you have complied with all the rules, regulations and conditions and special conditions applicable to your deferred prosecution, no further prosecution will be instituted in this District for the above offense.

Dated: New York, New York
March 12, 2024

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

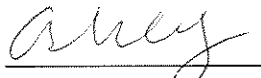
By: Michael D. Neff
Michael D. Neff
Assistant United States Attorney
Tel.: 212-637-2107

The undersigned hereby consents to the foregoing and expressly waives any and all rights to a speedy trial pursuant to the Sixth Amendment to the United States Constitution, the Speedy Trial Act, 18 U.S.C. §§ 3161 *et seq.*, and any other pertinent provisions, and consents to the adjournment of all pending proceedings in this case. The undersigned further waives the applicable statute of limitations with respect to any prosecution that is not time-barred on the date that this agreement is signed. It is the intent of this provision to toll the applicable statute of limitations during the pendency of the deferred prosecution.

Dated: New York, New York
March 12, 2024

A handwritten signature in black ink, appearing to read 'B. Henry', written over a horizontal line.

Bradley Henry
Attorney for Defendant

A handwritten signature in black ink, appearing to read 'Ashley Gomez', written over a horizontal line.

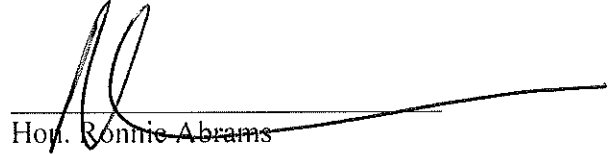
Ashley Gomez
Defendant

Pursuant to 18 U.S.C. § 3161(h)(2), exclusion under the Speedy Trial Act of the period of time during which the prosecution of the defendant is deferred pursuant to this agreement is hereby approved.

Dated: New York, New York

March ~~14~~ 2024

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Hon. Ronnie Abrams
United States District Judge
Southern District of New York

The undersigned hereby consents to the foregoing and will accept supervision of the above-named defendant on the conditions set forth herein.

Dated: New York, New York

March 12, 2024



United States Pretrial Services Officer
Southern District of New York

Exhibit A: Ashley Gomez Statement of Facts

1. The Fraud Scheme: From June 2017 until December 2019, a criminal fraud ring (the “Fraud Ring”) based in New York and New Jersey committed cellphone account takeover fraud and identity theft. The scheme’s objective was to obtain new devices, such as iPhones and iPads, and to charge these purchases to victims’ accounts. In total, the Fraud Ring breached more than 300 victim cellphone accounts and caused more than \$530,000 in actual losses, stemming from the fraudulent obtainment of approximately 494 devices. The Fraud Ring also deprived victims of cellphone service for a brief period, because the Fraud Ring took control of victim cellphone numbers, which temporarily deprived victims of the ability to make or receive phone calls, and to send or receive text messages. The fraud scheme involved various means and methods, including social engineering, identity theft, and computer intrusion. During the offense, a cellphone company successfully blocked some of the Fraud Ring’s fraudulent attempts; in response, the Fraud Ring repeatedly modified some of its fraudulent methods. Henry Perez was the leader of the Fraud Ring and was involved in every aspect of the scheme.
2. Gomez’s Involvement: Ashley Gomez was a participant in the Fraud Ring from at least late 2018 through at least August 2019. During that time, her name (or a close variant thereof) was added as a purportedly authorized “Account Manager” to at least 120 victim accounts. In total, 109 fraudulently obtained devices, worth around \$135,000, were charged to those 120 victimized accounts. On at least five occasions, Gomez was captured on video surveillance entering Verizon stores and picking up fraudulently obtained cellphones—including on February 18, 2019 (in Arlington, Ohio); February 22, 2019 (in Bethesda, Maryland); February 28, 2019 (in Reynoldsburg, Ohio); February 28, 2019 (in Grove City, Ohio); and June 18, 2019 (in New York, New York). In addition, in furtherance of the scheme, Gomez called Verizon technical support and impersonated victims, which was one of the steps in taking control of a victim’s phone number.

In June 2019, while the scheme was ongoing, Gomez was arrested in Florida on state charges (which were ultimately dismissed). Gomez continued her involvement in the Fraud Ring after this state arrest in Florida. For instance, Gomez recruited at least one “runner” for the scheme in August 2019: Over text message, Gomez sent Henry Perez contact information for that runner, including the runner’s address, phone number, age, and photo; and Gomez referred to this runner as “the worker” and said, “she ready when u are”.